



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,867	09/10/2001	Stephen Murten	ATKINSON	2715

7590

11/20/2002

James C Wray  
Suite 300  
1493 Chain Bridge Road  
McLean, VA 22101

EXAMINER

CHIN SHUE, ALVIN C

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/857,867

Applicant(s)

MURTEN, STEPHEN

Examiner

Alvin C. Chin-Shue

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

Art Unit: 3634

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-7,10,14-17,19, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The following phrases lack antecedent basis; "said upper tubes", as set forth in claims 4,6,14, and 16; "the diameter" and "said lower tubes", as set forth in claims 6 and 16; "the tension", as set forth in claims 10 and 20. the limitation "as disclosed in fig.5", as set forth in claims 7 and 17, is indefinite. In claims 10,19, and 20, it is unclear which of the multiple cables the limitation "said supporting cable" is referring to.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,6,11-13,16, and 19 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Palmer. Palmer shows a first fixing means 42 and a second fixing means 50.

Claims 1-3,6,11-13, and 16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Whitmer. Whitmer shows a first fixing means 348 and a second fixing means 20,36.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Palmer or Whitmer in view of Bruske. Both Palmer and Whitmer teach the claimed method with the exception of the cable clamping devices. Bruske shows cable-clamping devices at 24,75. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide either Palmer or Whitmer with cable clamping devices for securing and tensioning their cables to their vertical supports.

Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Palmer or Whitmer in view of Pollman. Both Palmer and Whitmer teach the claimed apparatus and method with the exception of the strengthening components. Pollman shows internal (7) and external (spiral corrugation) strengthening components. It would have been obvious to one of ordinary skill in

the art at the time the invention was made to provide either Palmer or Whitmer with internal and external strengthening components for reinforcing their vertical supports.

Claims 4,5,14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Palmer or Whitmer in view of Aaldenberg and Keeton or Ammons. Both Palmer and Whitmer teach the claimed apparatus and method with the exception of the strengthening components. Aaldenberg shows an internal (94) strengthening component. Keeton in fig.5 shows an external (107) strengthening component. Ammons at 39,38 shows an external strengthening component. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide either Palmer or Whitmer with internal and external strengthening components for reinforcing their vertical supports.

Claims 8-10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia in view of Whitmer. Garcia teaches the claimed apparatus and method with the exception of the adjustable vertical supports with the first fixing means and safety harness. Whitmer shows an adjustable vertical support with a first fixing means and a safety harness. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the vertical supports of Garcia to be adjustable in length with a fixing means to enable

different elevation of his cables and to provide a safety harness for attaching a person to his cables as a safety means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 703-308-2475. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-3008-1113.



Alvin C. Chin-Shue  
Primary Examiner  
Art Unit 3634

ACS  
November 15, 2002